

## REMARKS

By the *Office Action* of 17 March 2006, Claims 1-13 and 17 are pending in the Application, Claims 3-4, 8-9 and 12-13 noted as objected to, and the remaining Claims rejected. Applicant thanks the Examiner for the allowability of the Claims 3-4, 8-9 and 12-13 should they be rewritten in independent form, including all of the limitations of the base Claim, and any intervening Claims.

By the present *Response and Amendment*, the Applicant respectfully shows the pending Claims are allowable over the cited art, and presents new Claims further distinguishable from the prior art.

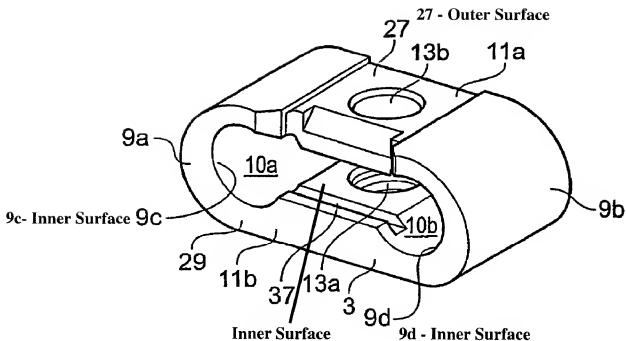
No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

### **1. *Intermediate Portions of the Body Portion***

The present invention incorporates a body that, among other features, has a claimed recitation of intermediate portions:

a body portion including first and second side portions respectively at least partially defining first and second passageways adapted to receive first and second track pins of adjacent track links, first and second intermediate portions disposed between the first and second side portions and a bore passing through the first and second intermediate portions

As claimed, the first and second intermediate portions are both located between the side portions, and have a bore passing therethrough.



As shown above in a portion of reproduced **Fig. 2** of the present application (as published in 2005/0286971), the body portion **3** includes first and second side portions **9a**, **9b** and first and second intermediate portions **11a**, **11b**. The intermediate portions **11a**, **11b** include a bore **13**. As claimed, the body portion **3** includes first and second intermediate portions **11a**, **11b** disposed between the first and second side portions **9a**, **9b**, and a bore **13** passing through the first and second intermediate portions **11a**, **11b**.

The use of the terms “inner” and “outer” surfaces as used by the Applicant and understood by those of skill in the art also shown. For example, both side portions **9a**, **9b** have both inner (**9c**, **9d**) and outer (not referenced) surfaces. Both intermediate portions **11a**, **11b** have both inner (facing each other in the body portion), and outer (for example, surface **27**) surfaces.

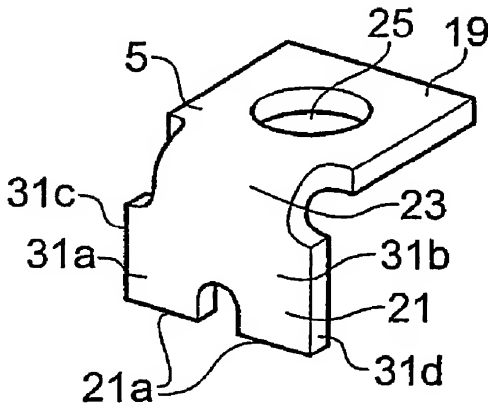
The first intermediate portion **11a** has an outer surface **27**, wherein the term “outer” is understood by one of skill in the art to mean outside of the body portion **3**, as opposed to an inner surface of the first intermediate portion **11a** being the surface facing inside the body portion **3** (not referenced in the above figure). The inner surface of the second, lower, intermediate portion **11b** is labeled above.

This use of the terms “outer” and “inner” surfaces is fully consistent in their use in the present application. For example, the side portions **9a**, **9b** have “inner” surfaces **9c**, **9d** which respectively at least partially define passageways **10a**, **10b** which in use of the end connector accommodate the ends of track pins **33**. See *US Patent Publication 2005/0286971*, ¶[0042] and *Fig. 1*. As Applicant uses the term “inner”, and as is understood by those of skill in the art, references to “inner” surfaces of the body portion **3** face within same, and references to “outer” surfaces of the body portion **3** face outside same.

Returning to the Claims of the present application, the recited invention has the further feature that:

the first arm portion [of the securing element] being secured in use between an outer surface of the first intermediate portion and the head portion of the securing bolt

The outer surface of the first intermediate portion, as discussed above and shown in representative fashion in the above figure as **27**, is the surface of first intermediate portion facing outside of the body portion **3**.



As shown above in a portion of reproduced **Fig. 2** of the present application (as published in 2005/0286971), the securing element **5** has first and second arm portions **19, 21** linked by a curved web portion **23**.

Regardless of the terminology used by one to describe the body portion and securing element of a particular design, and regardless of what is deemed a first or second portion of either element, the present Claims recite that a portion of the securing element, in use, is between an outer surface of the body portion, and the head portion of a bolt (and more specifically, the first arm portion of the securing element being secured in use between an outer surface of the first intermediate portion of the body portion and the head portion of the securing bolt). That is, a portion of the securing element lies outside the body portion, as such portion is between an outer surface of the body portion, and the head portion of a bolt.

As will be shown, Ley does not disclose this feature. No portion of the securing element of Ley lies outside the body portion, and thus this claimed recitation cannot be met. The securing element of Ley contacts, or is in-between, only the inner surfaces of the Ley body portion/intermediate portions.

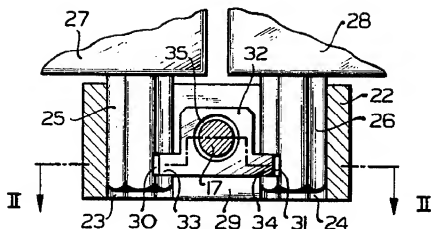
For a better understand of this claimed relationship, but in no way limiting the invention, **Fig. 2** of US Patent Publication 2005/0286971 illustrates in exploded view how the first arm portion **19** of the securing element **5** is secured in use between an outer surface **27** of the first intermediate portion **11a** of the body portion **3** and the head portion **15** of the securing bolt **7**. See also **Fig. 1**.

The Examiner alleges that US Patent No. 3,362,759 to Ley discloses this limitation of the presently claimed invention. *See Office Action, Page 3*. The Examiner characterizes the elements of Ley, as he is authorized, in a reverse way as is used by Applicant, labeling a “first intermediate portion” of the Ley body portion as being the bottom and middle portion around bolt 17, and the “second intermediate portion” of the Ley body portion as being the top and middle portion around bolt 17.

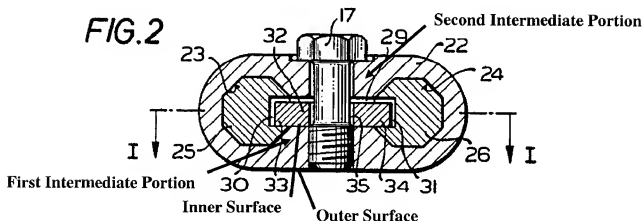
As shown following, the body portion of US Patent No. 3,362,759 to Ley is reproduced in **Figs. 1-2** of Ley. The Examiner suggests that Ley discloses a body portion with first and second side portions, first and second intermediate portions, and a bore passing through the first and

second intermediate portions.

**FIG.1**



**FIG.2**



While this construction works for the Examiner to suggest Ley shows the following limitation of the present Claims:

a body portion including first and second side portions respectively at least partially defining first and second passageways adapted to receive first and second track pins of adjacent track links, first and second intermediate portions disposed between the first and second side portions and a bore passing through the first and second intermediate portions

This construction fails to anticipate the limitation of the present Claims:

the first arm portion [of the securing element] being secured in use between an outer surface of the first intermediate portion and the head portion of the securing bolt

When the Examiner denotes the bottom and middle sections of the body portion as analogous to the presently claims “first intermediate portion”, no portion of the securing element of Ley is touching the outer surface of the first intermediate portion (see above), much less secured between the outer surface of the first intermediate portion and the bolt. Indeed, the head of the bolt is not located at the first intermediate portion of the Ley body as shown above, but to the outer surface of the second intermediate portion.

The Ley securing element is secured, in use, between the **inner** surfaces of the first and second intermediate portions, and thus Ley cannot anticipate the present Claims.

This is evident as the securing element of Ley is wholly within the body portion, and at least a portion of the securing element of the present invention is outside the body portion (thus following that the present Claims require that some portion of the securing element lie outside the body portion).

It is respectfully submitted that each independent Claim of the currently pending Claim set, Claims 1, 6, 10 and 17 have a recitation that a portion of the securing element, in use, is secured between an outer surface of the first intermediate portion and the head portion of the securing bolt, and Ley does not anticipate this limitation. Thus, it is respectfully submitted the pending Claims are allowable, and the §102 rejection in view of Ley, and the §103 rejection combining Ley in view of US Patent No. 3,467,446 to Seelbach et al. are overcome.

## **2. New Claims**

To further distinguish the claimed invention from either Ley or Seelbach et al., new Claims 18-21 are presented, and fully supported by the present application as originally filed.

Claims 18-21 are related, each dependent from a different independent Claim, to further distinguish that the first and second arm portions of the securing element are “arranged at an angle with respect to each other”, and further that such portions lie in different planes. See, for example, the figure reproduced above of the present securing element.

The Examiner rightly suggests that a broad construction of the presently claimed “first and second arm portions of the securing element arranged at an angle with respect to each other” might be found in Ley, as the Ley first 32 and second 33,34 portions being at angle from one

another, that being right angles, but in the same plane).

Claims 18-21 recite that the first and second arm portions of the securing element are in different planes, or are in intersecting planes, such that the securing element as recited in Claims 18-21 is not disclosed in Ley, showing a fully planar securing element.

### 3. Fees

No Claims fees are due, as the total number of Claims, and independent Claims, remains less than the number paid for upon original filing.

This *Response* is being filed within four months of the *Office Action*. Thus, a one month extension of time is due, and herein authorized.

Authorization to charge deposit account No. 20-1507 is given herein should any further fees be due.

### CONCLUSION

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

**Certificate of Transmission:**

I hereby certify that this correspondence is being submitted by e-filing to the Patent and Trademark Office in accordance with §1.8 on this date, via the EFS-Web electronic filing system.

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17 July 2006

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